

# PRESIDENT OBAMA'S JUDICIAL NOMINEES

## HISTORIC SUCCESSES

## HISTORIC DELAYS

### BUILDING A SUPREME COURT FOR THE 21ST CENTURY

President Obama's historic Supreme Court nominations reflect the qualities he has identified in all of his judicial nominees - integrity, intellect and an abiding commitment to equal justice under the law.



**Hon. Sonia Sotomayor** - Associate Justice  
Confirmation Date: August 6, 2009

"We celebrate the impact Justice Sotomayor has already had on people across America who have been inspired by her exceptional life story. We celebrate the greatness of a country in which such a story is possible. And we celebrate how, with their overwhelming vote to confirm Justice Sotomayor, the United States Senate - Republicans and Democrats - tore down yet one more barrier and affirmed our belief that in America, the doors of opportunity must be open to all."

- President Obama



**Hon. Elena Kagan** - Associate Justice  
Confirmation Date: August 7, 2010

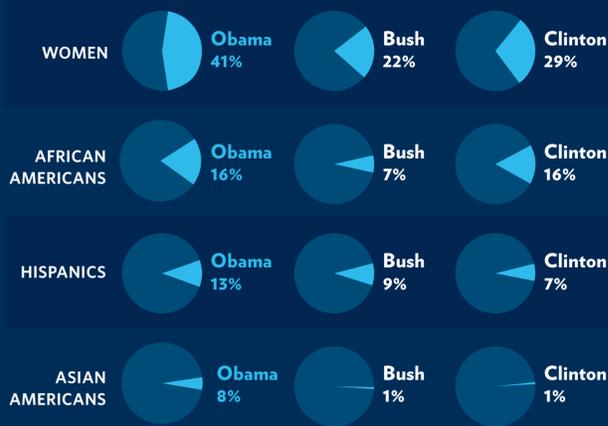
"For nearly two centuries, there wasn't a single woman on the Supreme Court. When Elena was a clerk, there was just one. But when she takes her seat on that bench, for the first time in history, there will be three women serving on our nation's highest court. It is, as Justice Ginsburg recently put it, 'one of the most exhilarating developments' - a sign of progress that I relish not just as a father who wants limitless possibilities for my daughters, but as an American proud that our Supreme Court will be a little more inclusive, a little more representative, more reflective of us as a people than ever before."

- President Obama

### CREATING A JUDICIAL POOL THAT RESEMBLES THE NATION IT SERVES

President Obama's nominees embody an unprecedented commitment to expanding the racial, gender and experiential diversity of the men and women who enforce our laws and deliver justice.

#### PRESIDENT'S CONFIRMED JUDGES



#### JUDICIAL FIRSTS UNDER PRESIDENT OBAMA

- 1<sup>st</sup> | Openly gay Circuit Court Judge
- 1<sup>st</sup> | Latina on the Supreme Court
- 1<sup>st</sup> | South Asian American Circuit Court Judge
- 1<sup>st</sup> | Openly gay man confirmed to a federal court
- 1<sup>st</sup> | Supreme Court Justice confirmed with a disability
- 1<sup>st</sup> | Openly gay Asian American and Hispanic judges
- 1<sup>st</sup> | African American Circuit Court judges in five states
- 1<sup>st</sup> | Hispanic Circuit Court judges in three Circuits
- 1<sup>st</sup> | Female judges in nine district courts
- 1<sup>st</sup> | Women judges of Chinese, Filipino, Korean, South Asian, and Vietnamese descent

#### OF THE 53 JUDICIAL NOMINEES CURRENTLY IN THE SENATE



- OPENLY GAY JUDGES: 10 nominated, 7 confirmed
- Obama has more than doubled the number of Asian-Americans on the bench
- Obama nominated the only four Asian American Circuit Court active judges, including the first Asian American woman
- Obama already has appointed more female federal judges than Bush did in his entire presidency
- Obama already has appointed more minority women judges than Presidents Bush or Clinton

### THE CONFIRMATION PROCESS

Each nominee goes through the following steps before being confirmed.

- The President consults with Senators and seeks their advice.  
*President Obama consults with both Republican and Democratic Senators prior to making a selection and has nominated many candidates recommended by Republicans.*
- The President nominates someone to the position.  
**271** federal judicial nominees named by President Obama
- Senate Judiciary Committee holds a hearing to review the nominee's record and qualifications. Senators ask questions of the nominee.  
**ALL 271** of President Obama's nominees have been rated well qualified or qualified by the American Bar Association
- The Judiciary Committee votes on the nomination, and makes a recommendation (reported positively, rejected, or no recommendation).  
**94%** received bipartisan support
- The full Senate debates the nomination. Senators can filibuster a nominee, requiring a vote of 3/5 to end debate, or threaten a filibuster, causing needless delay.  
**13** nominees waiting for the Senate to vote
- When debate ends, the Senate votes on the nomination. Confirmation requires a simple majority of the Senators present and voting.  
**205 out of 271** of President Obama's nominees have been confirmed

### DELAYS IN THE SENATE

The rising number of judicial vacancies is a direct result of unprecedented delays in the Senate confirmation process.

#### PERCENTAGE OF ALL NOMINEES CONFIRMED



Source: CRS Judicial Nominations Database.

#### AVERAGE WAIT TIME FOR JUDICIAL NOMINEES BETWEEN JUDICIARY COMMITTEE VOTE AND CONFIRMATION\*



\*at same point in their Presidency

#### PERCENT OF DISTRICT COURT JUDGES WHO WAITED MORE THAN 100 DAYS FOR A FLOOR VOTE.



#### PERCENT OF CIRCUIT COURT JUDGES WHO WAITED MORE THAN 100 DAYS FOR A FLOOR VOTE.



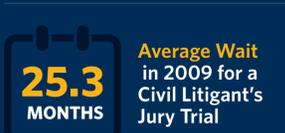
### THE CONSEQUENCES FOR AMERICA

Americans deserve fair and timely judicial proceedings but the rising number of judicial vacancies hurts families and businesses by delaying critical court proceedings and increasing costs, adding uncertainty, squeezing family budgets and preventing businesses from investing and creating jobs.

#### 1 OUT OF EVERY TEN FEDERAL JUDGESHIPS IS VACANT



#### DELAYS HURT BUSINESSES AND TAXPAYERS



#### JUDICIAL VACANCIES ARE GROWING INSTEAD OF SHRINKING



The number of vacancies President Bush had at this point in his Presidency

"Things are even slower on the civil side. If you're a company or an individual involved in a federal lawsuit, you can expect to be cooling your heels for two years before the trial begins. That's two years of cost and uncertainty."  
- Chicago Tribune Editorial, 4/18/11

"There is 'an urgent need for the political branches to find a long-term solution to this recurring problem,' which has 'created acute difficulties for some judicial districts' and left some sitting judges 'burdened with extraordinary caseloads.'"  
- Chief Justice Roberts, 2010 Year-End Report on the Federal Judiciary

**OVER 3 YRS** Wait in 2010 for 15.9% (45,411) of all Civil Cases for a Resolution

In 2006 only 6.6% (17,466) of all civil cases had to wait 3 years for a resolution  
December 2010 Federal Court Management Statistics for all U.S. District Courts

Fewer Federal Judges Means Even More Waiting Time for Trials

**\$1.4 billion** the cost to the federal government in 2010 for detention of inmates before their trials

Source: DOJ